

Docket No: AM100123  
Patent**FAX RECEIVED**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 11 2002

**GROUP 1600**In re of Application of: **BIGBIE et al.**Serial No.: **09/840,485**Group No.: **1645**Filed: **April 23, 2001**Examiner: **Khatol S. Shahnan Shah**For: **EQUINE PROTOZOAL MYELOENCEPHALITIS VACCINE**Confirmation No.: **5730**Customer Number: **25291****OFFICIAL**CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this and the below-identified document(s) (a total of 4 pages) are being facsimile transmitted to the U.S. Patent and Trademark Office to the attention of **Donna Chapman**, fax number **703-305-3014** (telephone number is 703-308-3081) on the date shown below:

## Documents:

1. **Response (Second) To Notice of Non-Compliant Amendment (two pages)**  
**Mailed date on PTO notice is 06-20-2002**
2. **Copy of Marked-Up Version of Claim 1 (one page)**

Cecilia ChessellType or print name of person  
signing certificationCecilia Chessell

Signature

July 10, 2002

Date

**OFFICIAL**Attorney Docket No.: AM100123  
PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****FAX RECEIVED**

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**GROUP 1600**In re Application of: Bigbie, Rocky B., *et al*

Serial No.: 09/840,485

Group Art Unit: 1645

Filed: April 23, 2001

Examiner: Shannan-Shah, K.

Application Claiming Benefit of Prior U.S. Provision Applications:

Prov. Appl'n. No.: 60/199,435 Filed: April 25, 2000

Prov. Appl'n. No.: 60/278,695 Filed: March 26, 2001

For: EQUINE PROTOZOAL MYELOENCEPHALITIS VACCINE

Confirmation No.: 5730

July 8, 2002

Customer No.: 25291

**AMENDMENT****Responsive To (Second) Notice of Non-Compliant Amendment**Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed June 20, 2002, Paper No. 9, which comprises a "Notice of Non-Compliant Amendment (37CFR 1.121)".

**REMARKS**

Reconsideration of this application and claims 1-23 is respectfully requested.

The "Notice", described as Paper No.9, relates that,

The amendment filed on 4/19/02 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 as amended on September 8, 2000 (see 65 Fed. Reg. 54603, September 8, 2000, and 1238 O.G. 77, September 19, 2000). In